

**BOARD OF ENVIRONMENTAL PROTECTION**  
**Meeting Minutes**

December 6, 2007

A meeting of the Board of Environmental Protection was held on Thursday, December 6, 2007 at the Holiday Inn / Ground Round, Augusta, Maine. Virginia Plummer, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

**Board:** Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard, and Virginia Plummer

Absent: Nancy Anderson, Matt Scott and Nancy Ziegler

**Staff:** Bureau of Air Quality  
Bureau of Air Quality  
Bureau of Air Quality  
Bureau of Air Quality

Jeff Crawford  
Andrea Lani  
Eric Kennedy  
Mike Karagiannes

**Others:** David Littell, Commissioner  
Cindy Bertocci, BEP Executive Analyst  
Mary Sauer, Assistant Attorney  
Terry Hanson, Administrative Assistant

***(Meeting adjourned at approximately 4:00 p.m.)***

**Draft – Pending Board Approval**

**I. DEPARTMENTAL**

**A. COMMISSIONER'S COMMENTS:** Commissioner Littell reported the following:

Department Staff Day: Individuals honored at this year's annual staff day were: Deb Avalone-King as the recipient of the Evelyn Jepson award for her tireless work educating the public on air issues; Deb Stahler received the Customer Service award for her diligent work as a chemist with the Bureau of Remediation and Waste Management on several projects to include the recent study concerning clean-up of broken compact fluorescent bulbs; and David Burns received the Steve Euphemia award acknowledging his dedication as a manager and the support provided to his staff to ensure consistent scientific based outcomes on matters before them.

Groundwater fund: There has been some recent press associated with the status of the Department's groundwater fund. This fund has historically been the Department's most healthy fund; however, because of low revenue and high expenditures (a 10-year high currently involving 12 on-going clean-ups) the Department has needed to slow non-emergency clean-ups and may also need to slow payment from this funding source.

Ethanol: Governor Baldacci has asked DEP to work with oil companies to make lower cost ethanol gas available in Maine. This fuel additive necessitates different, more expensive handling requirements in large part because of ethanol attracts water; resulting in a resistance from fuel stations to offer gasoline with ethanol. A small amount of water remaining in a fuel storage tank could create problems for motorists and could make the fuel unusable. The Department will consult with other states concerning their transition to ethanol containing fuels in an effort to acquire this fuel mix for Maine citizens.

Board member Ernest Hilton asked for more detail about the different handling needs for gasoline that contains ethanol.

*Commissioner Littell explained that the tanks need to be cleaned to eliminate any water noting that a small amount of water will compromise ethanol gas causing separation. Additionally, ethanol acts like a solvent and sludge material in the bottom of the tank is mobilizes requiring significant filter maintenance. The tank cleaning and filter maintenance are an expense to filling stations.*

Compact Fluorescent Bulbs: The Department will soon release its study concerning clean-up methods for a variety of compact fluorescent bulbs. The study verified that the clean-up method posted on the DEP web page for hard floor surfaces is still the best method and noted that carpet clean-ups remain a challenge. Board members will receive a copy of this report. The Department's study will be of interest to many in the energy efficiency industry and it is believed that both the Environmental Protection Agency (EPA) and the US Postal Service will conduct additional studies on this matter to follow up DEP's study.

Board member Wing Goodale expressed his appreciation for the fact that the Public Utilities Commission (PUC) has engaged in the bulb recycling effort.

*Commissioner Littell noted that the Maine PUC's recycling effort represents the first such nation-wide effort by a PUC agency. The key to the success of this recycling effort is the PUC's Efficiency Maine program. It was noted by other states that the working relationship in Maine between the PUC and the DEP made a large contribution to the success of this recycling initiative.*

**B. COMMENTS FROM THE BEP CHAIR:** None

**C. EXECUTIVE ANALYST COMMENTS:**

Board members were reminded that the Board will be considering the draft orders in the matter of the Androscoggin River appeals at its January 17, 2008 meeting.

**D. BOARD CALENDAR:** Reviewed

**E. DEPARTMENTAL ORDERS:** None

**F. EXECUTIVE SESSION:** None

## **II CONSENT AGENDA ITEMS**

Board voted (7-0-0-3) to approve consent agenda items number 1 and 2 as presented.

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard and Virginia Plummer voted to support the motion. Board members Nancy Anderson, Matt Scott and Nancy Ziegler were absent.*

1. CITY OF ELLSWORTH, Ellsworth – Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
2. SHAW ACRES COMMUNITY ASSOCIATION, Standish – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)

## **III. Regular Agenda**

1. STATE IMPLEMENTATION PLAN // INTERSTATE AIR POLLUTION TRANSPORTATION – Clean Air Act Section 110(a)(2)(D)(i) Amendments (post to 30-day written public comment)

Staff: Jeffrey S. Crawford, Bureau of Air Quality

The Board voted (7-0-0-3) on a motion to post amendments to the State Implementation Plan (SIP) concerning Interstate Air Pollution Transportation to a 30-day written public comment period as modified by the Board. The proposed SIP amendments demonstrate that emissions from Maine do not contribute significantly to other state's non-attainment or interfere with the maintenance of the 8-hour ozone or PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS); demonstrating no significant deterioration of air quality. The Board voted pursuant to 38 M.R.S.A. Sections 341-D(1-B) and 585-A.

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Sue Lessard and Virginia Plummer voted to support the motion. Board members Nancy Anderson, Matt Scott and Nancy Ziegler were absent.*

Modifications to SIP / Interstate Air Pollution Transportation

- [1] Page 2 // footnote 2 is deleted

~~The 24-month FIP clock began on May 25, 2005, and will end on May 25, 2007.~~

- [2] Page 12 // Delete PMS SEASON (JJA) 1-hr Ozone 90<sup>th</sup> Percentile wind direction frequencies chart

- [3] Minor typographical errors on pages: 5, 13, and 15

2. CHAPTER 156, CO2 BUDGET TRADING PROGRAM / NEW (adoption)

Staff: Jeff Crawford, Bureau of Air Quality

The Board voted (7-0-0-3) on a motion to adopt Chapter 156, CO2 Budget Trading Program, new as presented which establishes a budget trading program designed to stabilize and reduce emissions of CO2 from regulated sources in an economically efficient manner. The vote was taken pursuant to 38 M.R.S.A. Sections 341-D(1-B) and 585-A.

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Sue Lessard, and Virginia Plummer voted to support the motion. Board members Nancy Anderson, Matt Scott and Nancy Ziegler were absent.*

3. CHAPTER 157, CO2 BUDGET TRADING PROGRAM WAIVER AND SUSPENSION / NEW – Major substantive (provisional adoption)

Staff: Jeff Crawford, Bureau of Air Quality

The Board voted (7-0-0-3) on a motion to provisionally adopt Chapter 157, CO2 Budget Trading Program Waiver and Suspension, (new) which provides the Commissioner with the authority to waive or suspend requirements of the CO2 Budget Trading Program for up to one year under certain conditions. The Board acted to adopt the revised version of Chapter 157 as modified by DEP staff to include the basis statement. The vote was taken pursuant to 38 M.R.S. A. Sections 341-D(1-B) and 585-A.

*Board members Elizabeth Ehrenfeld, Ernest Hilton, M. Wing Goodale, Richard Gould, Don Guimond, Sue Lessard, and Virginia Plummer voted to support the motion. Board members Nancy Anderson, Matt Scott and Nancy Ziegler were absent.*

**Workshop Legislative Matters**

- [1] Chapter 150, Outdoor Wood Boilers

- Letter to Joint Standing Committee on Natural Resources

- [2] Annual Summary Report to Legislature – Comment on Fish and Eel Passage

- [3] LD 1528 – Section 4

- Processing timeframes ~ petition to revoke, modify or suspend

Next Regular Meeting –Thursday, December 20, 2007 – **Holiday Inn / Ground Round**

**Draft – Pending Board Approval**